

Entered - 09/22/00 - sb  
CL00L0580 - DIANNE C. MITCHELL

CLAIM OF: **SWHANNA GASTON,**  
through her attorney,  
**Jonathan E. Sureck**  
P. O. Box 54783  
Atlanta, Georgia 30308

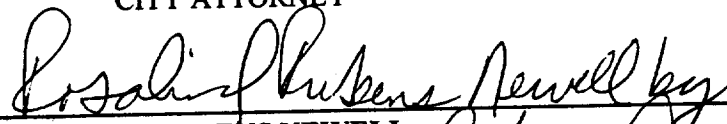
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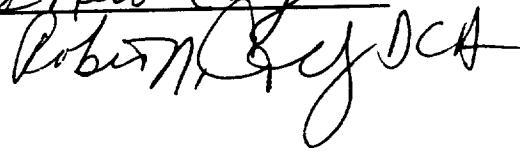
For damages alleged to have been sustained as a result of a vehicular accident on September 1, 2000 at 1300 Arkwright Place.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **SWHANNA GASTON, through her attorney, Jonathan E. Sureck** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on September 1, 2000 at 1300 Arkwright Place as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

 DCA

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0580

Date: February 13, 2001

Claimant /Victim SWHANNA GASTON  
BY: (Atty)(Ins. Co.) Jonathan E. Sureck  
Address: P. O. Box 54783, Atlanta, Georgia 30308  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 2,000.00  
Date of Notice: 09/19/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/01/00 Place: 1300 Arkwright Place  
Department Police Division:         
Employee involved J. L. Smith Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle backed into the vehicle in which the claimant was riding causing her to be injured in the above amount.

### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable X  
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 2,000.00 Adverse        Account charged: 1A01 X 2J01        2H01         
Claims Manager:        Concur/date 02-13-01  
Committee Action:        Council Action

**JONATHAN E. SURECK**

Attorney at Law

404-876-5851  
404-873-4905 FAX

September 14, 2000

*Mitchell*  
*09/19/00*  
P.O. Box 54783  
Atlanta, Georgia 30308

City of Atlanta  
Bill Campbell Mayor  
55 Trinity Ave.  
Suite 2400  
Atlanta, Georgia 30335

ENTERED - 9-22-00 - SB  
00LO580 - DIANNE MITCHELL

Re: Dorothy & Swanna Gaston and Marian Hamilton  
vs.  
J.L. Smith and City of Atlanta

Dear Honorable Campbell:

The purpose of this letter is to provide you with formal notice that a lawsuit for damage will be instituted in the near future against the city of Atlanta by the above clients arising from an automobile incident which occurred on August 8, 2000, on 1300 Arkwright Place in Atlanta, Georgia. The incident involved our clients, wherein J.L. Smith, driving a 1999 Ford Crown Victoria owned by the City of Atlanta improperly backed into our clients.

As provided by law, please advise this office as to the name of your insurance carrier. We are currently investigation our clients claims and damages and after a complete investigation, we will be in touch with you for the purpose of submitting a settlement package.

Under Georgia Law you will have to be served with a copy of the lawsuit as mayor/representative of the city of Atlanta. See O.C.G.A. Section 36-1-5. Please consider this letter the official required notice of my clients against the city of Atlanta as required by O.C.G.A. Section 36-11-1.

Sincerely,

  
Jonathan E. Sureck

JES/ly

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